

ORIGINAL

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ATTORNEY FOR: Plaintiff  
BERT MEYER

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 15 2006

at 3 o'clock and 40 min. M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

BERT MEYER,	)	Civil No.: 04-00049 JMS-BMK
	)	(In Admiralty)
	)	
Plaintiff,	)	SECOND DECLARATION OF
v.	)	BERT MEYER IN OPPOSITION
	)	TO MOTION FOR SUMMARY
MATSON NAVIGATION	)	JUDGMENT
COMPANY, INC., and	)	
PACIFIC LIVESTOCK, INC.,	)	Date: April 17, 2005
	)	Time: 9:00 a.m.
Defendants.	)	Ctrm: Hon. J. Michael Seabright
_____	)	

I, Bert Meyer, declare:

1. I am the plaintiff in the above-entitled action. I could and would testify competently to the facts set forth herein.

2. I am a longshoreman employed by McCabe, Hamilton & Renny Co., Ltd. I was injured aboard the Matson Navigation ship S/S LIHUE at

7:00 p.m. on October 1, 2002, when I slipped in animal waste and fell through a gap between the grating and the hatchcover on the starboard side of the hatchcover at row 15/16. When I fell my left leg went into the 7 3/8" wide gap between the grating and the starboard side of the hatchcover. I went aboard the S/S LIHUE in February of 2006 while the vessel was docked at the Matson Terminal at Sand Island, Honolulu, Hawaii and I tried to put my left foot through the corresponding gap between the grating and the hatchcover on the port side of the vessel at row 15/16, and my left foot could not pass through the gap, even when I put all of my weight on it.

I was wearing the same size and type of safety shoe that I was wearing at the time of the accident. The gap between the hatchcover and the grating on the port side of S/S LIHUE at row 15/16 is narrower than my safety shoes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 13, 2006 at Kapolei, Hawaii.

  
BERT MEYER